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IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 1364 /2003

PETITIONER : Laxman Singh S/o P.N. Singh,
Aged about 35 years,
Sub Divisional Officer (Forest)
South Baikunthpur,
District Koriya
R/o Baikunthpur,Distt.Koriya (CG)

VERSUS

RESPONDENTS :
1) State of Chhattisgarh
Through the Secretary,
Forest Department,DKS Bhawan,
Raipur (CG).

2) Deputy Secretary,
Forest Department,
State of Chhattisgarh,
DKS Bhawan, Raipur.

3) Divisional Forest Officer,
Baikunthpur Division,
Koriya,Distt.Koriya.

4) Shri Anurag Shrivastava,
Assistant Conservator of
Forest,
Social Forestry Division,
Raipur, Pandri, Raipur.

P. R. No. 1312/03
Presented by Shri Gautam
dated 31.10.03

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(199)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1364 of 2003

(194)

Petitioner: Laxman Singh

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Miss Sunita Jain, Advocate for the petitioner.

Shri Alok Bakshi, Govt. Advocate for the respondents No.1 to 3.

Shri Pawan Kesharwani, Advocate for respondent No. 4.

ORAL ORDER

(15th February, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner, who was working as Sub Divisional Officer, Forest at South Baikunthpur, District- Koria was transferred by the impugned order dated 22.4.2003 (Annexure P/1) to Bhopalpattnam in the same capacity. The order dated 22.4.2003 was passed transferring 16 officers from one place to other. The petitioner has filed this petition making some allegations against the then Finance Minister without impleading the then Finance Minister as party. The petitioner has impugned the transfer order on the ground of malafide exercise of powers.

2. This Court by interim order dated 14.5.2003 has granted interim relief to the effect that the petitioner should not be relieved, if already not relieved. This interim order was neither varied nor modified later on.

3. By virtue of the interim order dated 14.5.2003 the petitioner remained posted on the same old place of posting till date. The petitioner has been granted final relief by interim order. The petitioner could not continue at one place forever.

4. Today when the matter is taken up for hearing learned counsel for the petitioner produced a copy of the application for impleading the then Finance Minister Dr. Ram Chandra Singhdeo as Respondent No.5 as party. At this stage, it is not necessary to allow the said application when the petitioner has already availed the benefit of the interim order and continued at the old place of posting till date.

5. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. In the facts and circumstances of the case, it is not necessary to examine validity of the transfer order at this stage.

6. This petition has become infructuous with the passage of time. Accordingly the petition is dismissed as having become infructuous. In the facts of the case, it is expected that the Respondents No. 1 to 3 will not insist upon compliance of the impugned transfer order dated 22.4.2003 in respect of the petitioner. However, respondents/authorities are at liberty to pass appropriate order for posting the petitioner in the public interest and administrative exigency, in accordance with law. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur